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ORDINANCE 2019-1781

AN ORDINANCE AMENDING CITY OF MURRAY CODE OF ORDINANCES CHAPTER 95 STREETS AND SIDEWALKS, SPECIFICALLY, §95.01 EMPTYING COMMERCIAL WATER ONTO STREETS PROHIBITED; §95.02 PROHIBITING REMOVAL OF PORTION OF ANY HARD-SURFACED STREET; §95.03 PROHIBITING DEPOSIT OF TRASH OR LITTER ON ANY STREET; §95.04 OPENING NEW STREETS; §95.05 UNLAWFUL TO DAMAGE OR DESTROY PUBLIC PROPERTY ALONG STREETS; §95.06 STREET DEPARTMENT; §95.07 ICE AND SNOW ON SIDEWALKS; §95.08 ROLLER-SKATING ON SIDEWALK; §95.09 RIDING BICYCLE ON SIDEWALK; AND REMOVING §95.10 BICYCLE RULES ON ROADS; AND CREATING A NEW SUBSECTION “EXCAVATIONS AND CONSTRUCTION”, PARAGRAPHS §95.11 PROHIBITING REMOVAL OF ANY HARD-SURFACED STREET AND ENCROACHMENT PERMIT REQUIREMENTS; §95.12 UNLAWFUL DAMAGE OR DESTRUCTION OF PUBLIC PROPERTY ALONG STREETS; §95.13 EXCAVATION IN STREET; AND CREATING A NEW PARAGRAPH UNDER “ROAD AND BRIDGE PROJECTS, SPECIFICALLY §95.26 NOT APPLICABLE TO EMERGENCY REPAIR OR REPLACEMENT; AND CREATING A NEW SUBSECTION “SIDEWALKS”, PARAGRAPHS §95.30 DEFINITIONS; §95.31 SIDEWALK CONSTRUCTION; §95.32 DEFACING, DAMAGING OR DESTROYING CITY SIDEWALKS; §95.33 SIDEWALK MAINTENANCE; §95.34 ICE AND SNOW AND OTHER OBSTRUCTIONS ON SIDEWALKS; §95.35 RIDING BICYCLE ON SIDEWALK; §95.36 ROLLER-SKATING AND OTHER PLAYING ON SIDEWALK, STREET OR PUBLIC RIGHT-OF-WAY; AND CREATING A NEW SUBSECTION “OBSTRUCTIONS”, §95.41 UNLOADING ON STREET OR SIDEWALK; §95.42 STREET AND SIDEWALK OBSTRUCTION; §95.43 MATERIALS ON STREET OR SIDEWALK; §95.44 UTILITIES; §95.45 PROTECTION OF CONSTRUCTION SITE AND CREATING A NEW SUBSECTION “BICYCLES”, §95.51 BICYCLE RULES ON ROADS; AND AMENDING PENALTY, §95.99 TO CLARIFY TERMS, TO REPEAL SECTIONS NO LONGER APPLICABLE, AND TO ENSURE COMPLIANCE WITH OTHER ORDINANCES.

WHEREAS, the City of Murray desires to amend Chapter 95, STREETS AND SIDEWALKS, in order to amend §95.01 Emptying Commercial Water Onto Streets Prohibited; §95.02 Prohibiting Removal Of Any Hard-Surfaced Street; §95.03 Prohibiting Deposit Of Trash Or Litter On Any Street; §95.04 Opening New Streets; §95.05 Unlawful To Damage or Destroy Public Property Along Streets; §95.06 Street Department; §95.07 Ice And Snow On Sidewalks; §95.08 Roller-Skating On Sidewalk; §95.09 Riding Bicycle On Sidewalk; §95.10 Bicycle Rules On Roads; and creating a new subsection “Excavations And Construction”, Paragraphs §95.11 Prohibiting Removal Of Any Hard-Surfaced Street And Encroachment Permit Requirements; §95.12 Unlawful Damage Or Destruction Of Public Property Along Streets; §95.13 Excavation In Street; and creating a new Paragraph under “Road And Bridge Projects, specifically §95.26 Not Applicable To Emergency Repair Or Replacement; and creating a new subsection “Sidewalks”, Paragraphs §95.30 Definitions; §95.31 Sidewalk Construction; §95.32 Defacing, Damaging Or Destroying City Sidewalks; §95.33 Sidewalk Maintenance; §95.34 Ice And Snow And Other Obstructions On Sidewalks; §95.35 Riding Bicycle On Sidewalk; §95.36 Roller-Skating And Other Playing On Sidewalk, Street Or Public Right-Of-Way; and creating a new subsection “Obstructions”, §95.41 Unloading On Street Or Sidewalk; §95.42 Street And Sidewalk Obstruction; §95.43 Materials On Street Or Sidewalk; §95.44 Utilities; §95.45 Protection Of Construction Site; and creating a new subsection “Bicycles”, §95.51 Bicycle Rules On Roads; and amending Penalty §95.99 to clarify terms, to repeal sections no longer applicable and to ensure compliance with other ordinances; and

WHEREAS, the Murray City Council has reviewed and discussed the following proposed changes to Chapter 95 of the City Of Murray Code Of Ordinances and believe that the proposed changes are reasonable and necessary.

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BE IT ORDAINED by the City Council of the City of Murray, as follows:

AMENDMENT: ADDITIONS, ASSERTIONS & CHANGES:

City of Murray Code Of Ordinances, Chapter 95 is amended as follows:

### **General**

- 95.01 ~~Emptying commercial water onto streets prohibited~~ Street Department
- 95.02 ~~Prohibiting removal of portion of any hard-surfaced street~~ Emptying commercial water and other liquids onto streets prohibited
- 95.03 Prohibiting deposit of trash or litter on any street
- 95.04 Opening new streets
- 95.05 ~~Unlawful to damage or destroy public property along streets~~ House numbering
- 95.06 ~~Street Department~~ Street names
- 95.07 ~~Ice and snow on sidewalks~~ State Highways
- 95.08 ~~Rollerskating on sidewalk;~~ Vegetation interfering with visibility on a public right of way; duty of property owner
- 95.09 ~~Riding bicycle on sidewalk~~ Property owner's responsibility to mow premises
- 95.10 ~~Bicycle rules on roads~~

### **Excavations and Construction**

- 95.11 Prohibiting removal of portion of any hard-surfaced street and Encroachment Permit requirements
- 95.12 Unlawful damage or destruction of public property along streets
- 95.13 Excavation in street

### **Road and Bridge Projects**

- 95.21 Public hearing required
- 95.22 Notice requirements
- 95.23 Public may testify; effect of testimony
- 95.24 Hearing to be held prior to construction
- 95.25 Separate hearing for each project not required
- 95.26 Not applicable to emergency repair or replacement

### **Sidewalks**

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95.30 Definition

95.31 Sidewalk construction

95.32 Defacing, damaging or destroying city sidewalks

95.33 Sidewalk maintenance

95.34 Ice and snow and other obstructions on sidewalks

95.35 Riding bicycle on sidewalk

95.36 Roller-skating and other playing on sidewalk, street or public right-of-way

## Obstructions

95.41 Unloading on street or sidewalk

95.42 Street and sidewalk obstruction

95.43 Materials on street or sidewalk

95.44 Utilities

95.45 Protection of Construction Site

## Bicycles

95.51 Bicycle rules on roads

95.99 Penalty

## GENERAL

### ~~§95.01 EMPTYING COMMERCIAL WATER ONTO STREETS PROHIBITED~~ STREET DEPARTMENT.

~~No firm, person, or corporation shall pour, empty, flow, excavate, or drain water, that has been used for any commercial purpose, or any other liquid, which has been used for commercial purposes, onto any street or alley of the city.~~

(A) The Street Department shall have the authority over and the duty to repair and maintain all public City streets, public rights-of-way and thoroughfares within the City and shall cause to be removed any and all objects located within the public City streets, rights-of way or thoroughfares, which were placed without proper authorization

### ~~§95.02 PROHIBITING REMOVAL OF PORTION OF ANY HARD SURFACED STREET~~ EMPTYING COMMERCIAL WATER AND OTHER LIQUIDS ONTO STREETS PROHIBITED.

~~No person, firm, corporation or other legal entity, shall remove any portion of any hard-~~

~~surfaced street, including the curbs or gutters thereof, in the city, without having first obtained the written consent of the Superintendent of the Street Department to do so shall pour, empty, pump or drain water that has been used for any commercial purpose, or any other liquid, onto any street or alley of the City.~~

~~(A) — On application of any person, firm, corporation or other legal entity for permission to remove any portion of any street, including curbs or gutters thereof, of the city, the Superintendent of the Street Department may, in his reasonable discretion, grant such request, refuse such request or conditionally grant same.~~

#### **§95.03 PROHIBITING DEPOSIT OF TRASH OR LITTER ON ANY STREET**

(A) No person, firm, corporation, or any other legal entity shall deposit or cause to be deposited any leaves, trash, grass clippings, dirt, paper, debris, or other litter, on any street, sidewalk or alley of the eCity ~~without first having obtained permission of the Superintendent of Streets in writing.~~

(B) No person, firm, corporation, or any other legal entity shall transport over any street, sidewalk or alley of the eCity, by hand or vehicle, any leaves, trash, dirt, paper, debris, or other litter, in such careless manner as to permit such leaves, trash, dirt, paper, debris, or other litter to fall onto any street, sidewalk or alley of the eCity.

(C) Any person, firm, corporation or other legal entity who inadvertently allows leaves, grass clippings, trash, dirt, paper, debris or litter on any street, sidewalk or alley of the street shall immediately retrieve anything dropped or deposited in violation of this Ordinance.

#### **§95.04 OPENING NEW STREETS**

No person, firm, corporation, or any other legal entity shall propose to construct or open any new street or streets without the approval of the Murray Planning Commission ~~written consent of the Superintendent of Streets and the Mayor~~. Any such ~~written consent~~ approval shall not constitute an acceptance of any such street for maintenance purposes until it has been adopted by the Murray eCity Council.

#### **§95.05 UNLAWFUL TO DAMAGE OR DESTROY PUBLIC PROPERTY ALONG STREETS HOUSE NUMBERING**

~~No person shall pick, pull, dig, tear up, or otherwise damage tree, shrub, flower, vine, bush, sign, or turf on any street or alley right-of-way, or any lands set aside, dedicated, and maintained by the city as a public park., or deposit, throw, or leave any trash, debris, or litter on any such street, alley, or public land without having first obtained permission in writing of the engineer having charge of the maintenance of such street, alley, or park.~~

Any structure addressed or required to be addressed within the city limits of Murray shall be numbered as follows:

1. Streets north of Main Street – Odd numbers shall be on the west and south side of the street. Even numbers shall be on the east and north side of the street.
2. Streets south of Main Street – Odd numbers shall be on the east and south side of the street. Even numbers shall be on the west and north side of the street.
3. On all streets running in a northerly and southerly direction, the numbering shall commence with number 100 at Main, and shall increase north and south at the rate of one hundred (100) numbers for each block, as near as the ranging series of streets will admit. Thus, Main and all the streets

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parallel therewith and their continuations east and west shall be rectified lines of uniformity in numbering north and south.

4. On all streets running in an easterly and westerly direction, the numbering shall commence with 1200 at 12<sup>th</sup> Street (Hwy 641) and shall increase to the west and decrease to the east at the rate of one hundred (100) numbers for each block, as the ranging series of streets will admit. Thus, 12<sup>th</sup> Street (Hwy 641) and all the streets parallel therewith and their continuations north and south shall be rectified lines of uniformity in numbering east and west.
5. The general rule shall be that one hundred (100) numbers shall represent each block going north and south from Main Street, and the like number for each block going east and west of 12<sup>th</sup> Street (Hwy 641), and one (1) number shall be allowed for each seventy-five (75) feet of ground or fractional part thereof unless otherwise approved by the Murray Planning Commission.

See City of Murray Ordinance §97.05 (B) and (D) for guidance on assignment and placement of numbers by the Murray Planning Department.

See Property Management Code §304.3 Premises Identification, for guidance on address numbers and placement.

#### **§95.06 ~~STREET DEPARTMENT~~ STREET NAMES.**

~~(A) The Street Department shall have the authority of and the duty to repair and maintain all streets, thoroughfares within the city and shall consist of a foreman and such additional workmen as the Council may from time to time appoint.~~

~~(B) The foreman of the Street Department and the regular workers assigned to that Department specifically provided for herein shall be appointed by the Council and the foreman and each regular workman shall hold office for a period of twelve (12) months from the first Monday in January and shall hold such office until the appointment and qualification of their successors.~~

Whenever any new street is proposed in the City, by any property owner or subdivider, the street names shall be approved by the 911 Coordinator and the Planning Commission as a part of the process for approval of the final subdivision plat. The City Council shall have final approval and acceptance of all streets within the City.

The Planning Department shall maintain a list of guidelines for the naming of streets in order to be consistent with state and federal guidelines on street signage.

The renaming of any street within the City of Murray must be approved by the by the Transportation Committee and a recommendation forwarded to the City Council for final approval.

#### **§95.07 ~~ICE AND SNOW ON SIDEWALKS~~ STATE HIGHWAYS**

~~Every person owning or acting as agent for or occupying any building or lot in the city, shall keep or cause the sidewalk adjacent to such building or lot to be kept open and free from ice, wood, dirt, filth, and other obstructions, barriers, and impediments of every description. Provided, that the Mayor may permit temporary obstructions to persons in receiving, selling, or removing fuel, lumber boxes of merchandise and all articles of trade, if such obstruction be removed within 24 hours.~~

The Mayor of the City of Murray is hereby expressly authorized, instructed and directed to enter into any and all contracts and agreements with the Kentucky Department of Highways necessary to carry out the purposes and provisions for the construction, reconstruction and maintenance of City streets, or portions

thereof, including viaducts and bridges that are included in the Kentucky Department of Highways' state primary road system.

**§95.08 ~~ROLLERSKATING ON SIDEWALK~~ VEGETATION INTERFERING WITH VISIBILITY ON A PUBLIC RIGHT OF WAY; DUTY OF PROPERTY OWNER.**

~~It shall be an offense for any person within the corporate limits of the city to skate on roller skates on or over any of the pavements or sidewalks in the city.~~

(A) It shall be unlawful for any property owner, lessee, or occupant or agent of any such property owner, lessee or occupant to permit trees, hedges, shrubbery, vines, grass or other such vegetation to grow so as to interfere with the safety and visibility of pedestrians and vehicle operators using the streets and sidewalks within the City.

(B) Each property owner, lessee or occupant or agent of any such property owner, lessee, or occupant shall maintain all trees, hedges, shrubbery, vines or other such vegetation so as not to encroach on any public right-of-way, including streets and sidewalks, within the City. Such trees, shrubbery, hedges or vines shall be trimmed so as not to block any traffic control device, driveway, crosswalk or side street. Should any such trees, shrubbery, hedges or vines located in the right of way, fall or be knocked over into the property owner's yard or on to the street or sidewalk, it shall be the property owner's responsibility to remove the fallen trees, shrubs, hedges or vines in an expedient manner.

(C) Any property owner, lessee or occupant and/or any agent of any such property owner, lessee or occupant shall mow rights-of-way or lawns in such manner as to avoid throwing grass or other vegetation onto a City street or sidewalk.

See Property Maintenance Code for additional guidance on vegetation and interference with visibility on public rights- of- way.

**§95.09 ~~RIDING A BICYCLE ON SIDEWALK~~ PROPERTY OWNER'S RESPONSIBILITY TO MOW PREMISES.**

~~It shall be unlawful for any person to ride a bicycle on any sidewalk or pavement of the city.~~

(A) It is the responsibility of the property owner or his or her designee whether lessee, occupant or agent, to maintain the yard and lot upon which his or her house is located and to keep the grass and weeds mowed consistent with the Property Management Code §302.4 and this Ordinance.

(B) Each property owner, or his or her designee whether lessee, occupant or agent, shall, in addition to the yard and lot, maintain and mow the rights-of-way adjacent to any and all streets and alleys abutting the property.

**§95.10 ~~BICYCLE RULES ON ROADS.~~**

~~Persons making a left turn are required to extend the left arm out horizontally. Right turns shall be indicated by extending the left arm out horizontally and turned upward at the elbow. A stop or slowing of a bicycle shall be indicated by extending either arm out horizontally and turned down at the elbow.~~

**EXCAVATIONS AND CONSTRUCTION**

**§95.11 PROHIBITING REMOVAL OF PORTION OF ANY HARD-SURFACED STREET AND ENCROACHMENT PERMIT REQUIREMENTS.**

(A) No person, firm, corporation, or other legal entity, shall remove, open, make addition to, or otherwise alter any portion of any hard-surfaced street, sidewalk and the curb or gutter thereof or other public right-

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of-way, in the City, without having first obtained the written consent of the Superintendent of the Street Department to do so an approved Encroachment Permit from the City Planning Department.

(B) It shall be the direct responsibility of persons engaging in any work outlined in Section (A) above, to obtain an Encroachment Permit, on an individual basis, for each and every project or job.

(C) Encroachment Permits shall be obtained a minimum of forty-eight (48) hours and a maximum of thirty (30) days prior to the commencement of any work.

(D) Encroachment Permits can be obtained from the City Planning Department or by applying in person at City Hall, 500 Main Street, Murray, during the hours of 8:00 a.m. to 4:00 p.m., Monday through Friday.

#### **§95.12 UNLAWFUL DAMAGE OR DESTRUCTION OF PUBLIC PROPERTY**

(A) No person shall pick, pull, dig, tear up, move, remove, mar, deface, burn, cut, break or otherwise damage any public property, including but not limited to, any sidewalk, street, curb, gutter, guardrail, culvert, bridge, hydrant, traffic control device, signage, whether permanent or temporary, or any City maintained vegetation, tree, flowers, turf or other flora on any street, alley, right-of way, or on tree, shrub, flower, vine, bush, sign, or turf on any street or alley right-of-way, or any lands or greenspace set aside, dedicated, and maintained by the City as a public park or cemetery or other public lands.

(B) No person shall, or deposit, throw, or leave any trash, debris, or litter on any such street, alley, or public land, park, cemetery or greenspace without having first obtained permission in writing of the engineer having charge of the maintenance of such street, alley, or park cemetery, public land or greenspace.

#### **§95.13 EXCAVATION IN STREET.**

(A) No person firm, corporation or association shall be permitted to cut into, excavate or disturb a street, alley, roadway or pavement within the corporate limits of the City until such person, firm, corporation or association shall before doing the work, obtain an Excavation Permit from the City Planning Department.

(B) When any person, firm or corporation has dug into, excavated or disturbed in any way any public street, alley, sidewalk or other public thoroughfare or place of the City, the person, firm or corporation, upon completion of this work, shall immediately notify the City Planning Department, and under the supervision of the City Engineer shall refill the ditch or excavation, thoroughly tamping same and restoring it to its former condition.

(C) The payment for the refilling and the resurfacing of the street, roadway, alley or pavement shall be paid for by the person, firm, corporation or association disturbing, digging into, or excavating the pavement or surface.

(D) Any person, firm, corporation or association working in or upon any street, sidewalk or other public way must provide Temporary Traffic Control for all road users to include motorists, bicyclists, and pedestrians in accordance with Part 6 of the Manual on Uniform Traffic Control published by the Federal Highway Administration and Section 112 of the Kentucky Standard Specifications published by the Kentucky Transportation Cabinet, in addition to any applicable federal and state occupational Health and Safety requirements.

### **ROAD AND BRIDGE PROJECTS**

#### **§95.21 PUBLIC HEARING REQUIRED.**

Before the e City expends state-derived tax revenues on a municipal highway, road, street, or municipal bridge it shall hold a hearing in accordance with the provisions of this subchapter § 95.22 to take the sense of the public with regard to the project and to priorities for use of tax moneys monies for road and bridge purposes.

**§95.22 NOTICE REQUIREMENTS.**

The City is required to have a hearing ~~B~~before the contemplated date of expenditure of state derived tax revenue on a road or bridge ~~by the city.~~ The City may choose to have a hearing for one or more than one project at a time as long as each project is identified separately at the hearing. The eCity shall give notice in the manner required by KRS Chapter 424 of a public hearing to take the sense of the public with regard to road and bridge matters within the eCity. ~~Notice of T~~the hearing shall be held ~~given~~ not less than seven (7) days nor more than twenty-one (21) days ~~after the first publication of the notice~~ before the scheduled date of the public hearing and before beginning work on any project covered by this ~~subchapter~~ section.

**§95.23 PUBLIC MAY TESTIFY; EFFECT OF TESTIMONY.**

(A) At the hearing, any person may speak with regard to any proposed project, any project which he or she ~~feels~~ believes should be built or done which has not been proposed, priorities for completion of projects, and any other matter related to road or bridge projects.

(B) The eCity shall not be bound by the testimony heard at the hearing but shall give due consideration to it.

**§ 95.24 HEARING TO BE HELD PRIOR TO CONSTRUCTION.**

The eCity shall not begin construction on a road or bridge project wherein state-derived tax revenues are involved until the hearing as provided herein has been held.

**§ 95.25 SEPARATE HEARING FOR EACH PROJECT NOT REQUIRED.**

~~This subchapter shall not be construed to require a separate hearing for each project~~ A single hearing encompassing the entire road and bridge program, provided all projects subsequently undertaken have been identified at the hearing, shall meet the requirements of this subchapter.

**§95.26 NOT APPLICABLE TO EMERGENCY REPAIR OR REPLACEMENT**

The provisions of this section shall not apply to emergency repair or replacement of roads or bridges necessitated by natural or man-caused disasters nor to street cleaning or snow removal operations.

**SIDEWALKS**

**§95.30 DEFINITION**

SIDEWALK. A public passageway within or adjacent to the street right-of-way intended for the use of pedestrians and generally separated from the curb or roadway surface by a utility strip or grass plot.

**§95.31 SIDEWALK CONSTRUCTION**

It shall be the duty of the Director of Public Works and/or Manager of Streets and Solid Waste to supervise construction and repair or replace sidewalks owned by the City or within the City right-of-way, hereinafter referred to as public sidewalks. He or she shall cause specifications to be prepared for the construction of the various kinds of public sidewalk pavements and transmit the specifications to the City Administrator, Mayor and City Council for approval. Any public sidewalk determined by the Director of Public Works or his designee to be deteriorated or otherwise in a condition unsafe or unfit for use shall be repaired or replaced by the City in accordance with federal and state standards.

**§95.32 DEFACING, DAMAGING AND DESTROYING CITY SIDEWALKS**

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(A) No person or entity shall remove, deface, damage, destroy or otherwise alter the condition of any public sidewalk within the City rights-of-way without the express written authorization of the Director of Public Works or his or her designee. This prohibition shall not apply to easily removable chalk markings (which are water soluble) on public sidewalks, written or drawn in connection with traditional children's games, or in any lawful business or public purpose or activity.

(B) Any damage or destruction to a public City sidewalk which is occasioned by the abutting property owner or his or her designee, whether accidental or otherwise, shall be repaired or replaced immediately by the abutting property owner or his or her designee. In the event the abutting property owner or his or her designee fails to repair or replace the public sidewalk within a reasonable time period as designated by the Director of Public Works or designee, the City may undertake such repairs and/or replacement and the abutting property owner shall be required to pay for the cost of the repair and/or replacement. All work shall be done in accordance with such the Americans with Disabilities Act and any regulations and directions as the City may impose. In the event the damage or destruction is occasioned by a third party, whether accidental or otherwise, said public sidewalk shall be repaired or replaced immediately by the Director of Public Works, utilizing current federal, state and City standards, and the third party shall be required to pay for the cost of the repair or replacement.

(C) No utility company shall remove, deface, damage, destroy or otherwise alter the condition of any sidewalk within the City without the express written authorization of the Director of Public Works or his designee. Any utility construction work performed which removes, defaces, damages, destroys or otherwise alters the condition of any sidewalk shall be repaired or replaced immediately by the utility company. All work shall be done in accordance with such federal, state and City statutes, regulations and ordinances as the City may impose.

#### §95.33 SIDEWALK MAINTENANCE

Every person, firm or corporation owning all or part of any property abutting and/or fronting upon a public sidewalk or utility strip shall maintain such sidewalk and abutting aprons at his, her or its own expense by keeping such sidewalk and utility strip free of trash, debris, grass, branches, snow and ice and other items or conditions that may interfere with the use of said public sidewalks and utility strips.

#### §95.34 ICE AND SNOW AND OTHER OBSTRUCTIONS ON SIDEWALKS.

Every person owning or acting as agent for or occupying any building or lot in the City, shall keep or cause the sidewalk adjacent to such building or lot to be kept open and free from ice, snow, wood, dirt, filth, overgrown plants or vegetation and other obstructions, barriers, and impediments of every description.

#### §95.35 RIDING A BICYCLE ON SIDEWALK.

It shall be unlawful for any person to ride a bicycle on any sidewalk within the City.

#### §95.36 ROLLERSKATING AND OTHER PLAYING ON SIDEWALK, STREET OR PUBLIC RIGHT-OF-WAY.

It shall be an offense for any person within the corporate limits of the city to skate. No parent, guardian or other responsible individual shall allow or permit a child or children to roller skate, roller blade, use a skateboard or otherwise play in or upon any street, sidewalk or public right-of-way designated for the conveyance of traffic. Furthermore, no person may roller skate, roller blade or skateboard on any street, sidewalk or public right-of-way within the City designated for the conveyance of traffic.

### OBSTRUCTIONS

#### §95.41 UNLOADING ON STREET OR SIDEWALK

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No person shall unload any heavy material in the streets of Murray by throwing or letting the material fall upon the pavement of any street, alley, sidewalk or other public way, without first placing some sufficient protection over the pavement. The City may permit temporary obstructions to persons in receiving, selling, or removing fuel, lumber or other building supplies, boxes of merchandise and all articles of trade, if such obstruction be removed within ~~24~~ six (6) hours.

#### **§95.42 STREET AND SIDEWALK OBSTRUCTION**

No person shall obstruct any street, alley, sidewalk or other public way within the City by erecting thereon any fence or building, or permitting any fence or building to remain thereon. Each day that the fence or building is permitted to remain upon the public way shall constitute a separate citable offense.

#### **§95.43 MATERIALS ON STREET OR SIDEWALK**

No person shall encumber any street or sidewalk. No owner, occupant or person having the care of any building or lot of land, bordering on any street or sidewalk, shall permit it to be encumbered with barrels, boxes, cans, articles, sports equipment or substances of any kind, so as to interfere with the free and unobstructed use thereof.

#### **§95.44 UTILITIES**

No property owner may begin any project involving digging in the ground within the City rights-of-way or on private property without first calling 811 and having the location of affected cables, lines, water or gas mains, or other underground cables or pipes marked and flagged. Wherever there are encountered within the rights-of-way, cables, poles, guys, water mains, gas mains or other utilities, that interfere with the proposed project, the applicant shall obtain the consent of the utility company involved prior to proceeding and the reasonable expense and cost of the changes shall be a matter between the two parties.

#### **§95.45 PROTECTION OF CONSTRUCTION SITE**

Applicants for a driveway permit shall, during construction, reconstruction or alteration, maintain the premises in a safe manner and shall provide adequate barricades and lights at his or her own expense to protect the safety of the public using the adjacent streets and sidewalks and shall hold the City free from any damages incurred by his or her operations. All debris and surplus material shall be removed immediately.

### **BICYCLES**

#### **§ ~~95.10~~ 95.51 BICYCLE RULES ON ROADS.**

Bicycles are defined as vehicles and as such, have the right to use Kentucky highways, roads and streets. The following statutes and regulations governing the operation of bicycles on public rights-of-way and the document entitled "Kentucky Laws and Regulations for Bicyclists," as published by the Kentucky Transportation Cabinet, shall be kept current and maintained in the Office of the City Clerk and are available on the City of Murray website as well as on the public computer in the City Hall Lobby located at 500 Main Street, Murray, Kentucky.

#### **§ 95.99 PENALTY.**

Penalties shall be enforced by the Code Enforcement Officer, Fire Marshal, Police Department or Building Inspector.

(A) Any person, firm, corporation, or any other legal entity found guilty of violating any provision of §95.042, Emptying Commercial Water and Other Liquids Onto Streets Prohibited, shall be ~~deemed guilty of a misdemeanor and~~ punished by a civil penalty fine of not less than five fifty (\$50) dollars nor more than five hundred dollars (\$500.00) for each offense. Each calendar day or portion thereof which the violation continues shall be deemed a separate offense.

(B) Any person, firm, corporation, or any other legal entity ~~found guilty of~~ violating any provision of §95.023, Prohibiting Deposit of Trash or Litter on Any Street, shall be ~~deemed guilty of a misdemeanor, and on conviction thereof, shall be fined~~ punished by a civil penalty of not less than five twenty dollars (\$20.00) nor more than five hundred dollars (\$500.00) for each offense. Each calendar day or portion thereof which the violation continues shall be deemed a separate offense.

(C) Any person, firm, corporation, or any other legal entity ~~found guilty of~~ violating any provision of §95.034, Opening New Streets, shall be ~~deemed guilty of a misdemeanor, and on conviction thereof shall be fined~~ punished by a fine of not less than ~~one fifty~~ dollars (\$1) (\$50.00) nor more than five hundred dollars (\$500.00) for each such offense. Each calendar day or portion thereof which the violation continues shall be deemed a separate offense.

(D) Any person, firm, corporation or any other legal entity ~~found guilty of~~ violating §95.049, Vegetation Interfering with Visibility on a Public Right-of-way, Duty of Owner, shall be ~~fined~~ not less than ~~ten twenty~~ dollars (\$20.00) nor more than five two hundred and fifty dollars (\$250.00) for each offense. Each calendar day or portion thereof which the violation continues shall constitute be deemed a separate offense.

(E) Any person, firm, corporation or any other legal entity ~~found guilty of~~ violating any provision of §95.0510, Property Owner's Responsibility to Mow Premises, shall be ~~fined~~ not less than ~~ten twenty~~ dollars (\$120.00) nor more than ~~five two hundred~~ (\$200.00) for each offense. Each calendar day or portion thereof which the violation continues shall be deemed a separate offense.

(F) Any person, firm, corporation, or any other legal entity ~~found guilty of~~ violating any provision of §95.07 11, Prohibiting Removal of Portion of Any Hard-surfaced Street and Encroachment Permit requirements, shall be ~~fined~~ punished by a civil penalty of not less than five two hundred and fifty dollars (\$5250.00 nor more than five hundred dollars (\$500.00) for each offense. Each calendar day or portion thereof which the violation continues shall be deemed a separate offense.

(G) Any person, firm, corporation, or any other legal entity ~~found guilty of~~ violating any provision of §95.08 and 95.09 and 12, Unlawful Damage or Destruction of Public Property Along Streets, shall be ~~fined~~ punished by a fine of not less than ~~one fifty~~ dollars (\$50) fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00) for each offense and shall be liable to the City for any and all damages resulting from the violation. Each calendar day or portion thereof which the violation continues shall be deemed a separate offense.

(H) Any person, firm, corporation, or any other legal entity who violates any provision of §95.13, Excavation in Street, shall be punished by a fine of not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00) for each offense and shall be liable to the City for any and all damages resulting from the violation. Each calendar day or portion thereof which the violation continues shall be deemed a separate offense.

(I) Any person, firm, corporation, or any other legal entity who violates any provision of § 95.32 (A) and (B), Defacing, Damaging and Destroying City Sidewalks, shall be punished by a fine of not less twenty dollars (\$20.00) nor more than two hundred and fifty dollars (\$250.00) for each offense and shall be liable to the city for any and all damages resulting from the violation. Each calendar day or portion thereof which the violation continues shall be deemed a separate offense.

(J) Any person, firm, corporation, or any other legal entity who violates any provision of § 95.33, Sidewalk Maintenance, shall be punished by a fine of not less than twenty dollars (\$20.00) nor more than two

hundred and fifty dollars (\$250.00) for each offense and shall be liable to the city for any and all damages resulting from the violation. Each calendar day or portion thereof which the violation continues shall be deemed a separate offense.

(K) Any person, firm, corporation, or any other legal entity, violating any provision of §95.34, Ice and Snow on Sidewalks, shall be punished by a fine of not less than twenty-five dollars (\$25.00) nor more than five hundred dollars (\$500.00) for each offense and shall be liable to the City for any and all damages resulting from the violation. Each calendar day or portion thereof which the violation continues shall be deemed a separate offense.

(L) Any person, firm, corporation or any other legal entity violating any provision of §95.35, Riding Bicycle on Sidewalk, and §95.36, Roller-skating and Other Playing on Sidewalk, Street or Public Right-of-way, shall be fined not less than twenty dollars (\$20.00) nor more than two hundred and fifty dollars (\$250.00) for each offense. Each calendar day or portion thereof which the violation continues shall be deemed a separate offense.

(M) Any person, firm, corporation or any other legal entity violating any provision of § 95.41, Unloading on Street or Sidewalk, §95.42, Street and Sidewalk Obstruction, and §95.43 Materials on Street or Sidewalk, shall be fined not less than twenty dollars (\$20.00) nor more than two hundred and fifty dollars (\$250.00) for each offense. Each calendar day or portion thereof which the violation continues shall be deemed a separate offense.

(N) Any person violating any provision of §95.45, Protection of Construction Site, shall be fined not less than ten dollars (\$10.00) nor more than one hundred dollars (\$100.00) for each offense. Each calendar day or portion thereof which the violation continues shall be deemed a separate offense.

(O) Any person violating any provision of §95.51, Bicycle Rules on Roads, shall be fined not less than ten dollars (\$10.00) nor more than one hundred dollars (\$100.00) for each offense. Each calendar day or portion thereof which the violation continues shall be deemed a separate offense.

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BOB ROGERS, MAYOR

ATTEST:

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DANNETTA CLAYTON, CITY CLERK

Introduced by the City Council on \_\_\_\_\_, 2019.

Adopted by the City Council on \_\_\_\_\_, 2019.

Published in the Murray Ledger and Times on \_\_\_\_\_, 2019.